

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA

DAVID CALLAHAN,)	
)	
Plaintiff,)	
)	
v.)	Case No. CIV-03-551-F
)	
DAYTON POPPELL, Warden, <i>et al.</i> ,)	
)	
Defendants.)	

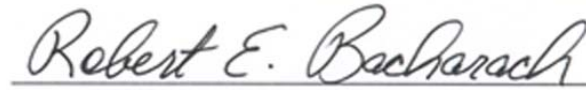
REPORT AND RECOMMENDATION
ON REQUESTS FOR A DEFAULT JUDGMENT

Mr. Callahan seeks a default judgment against all but the three newly named defendants and a hearing on the financial damages. Docs. 149-52. As discussed in a contemporaneous order, the Defendants are not late in responding to the second amended complaint. Order at pp. 3-4 (Mar. 23, 2005). As a result, the Court should deny the Plaintiff's requests for entry of a default judgment.

Mr. Callahan has the right to object to this report and recommendation. *See* 28 U.S.C. § 636(b)(1) (2000); W.D. Okla. LCvR 72.1. Any such objection must be filed with the Court Clerk for the United States District Court. *See Haney v. Addison*, 175 F.3d 1217, 1219-20 (10th Cir. 1999). The deadline for objections is April 12, 2005. *See* W.D. Okla. LCvR 72.1(a). The failure to timely object to this report and recommendation would waive one's right to appellate review of the suggested rulings. *See Moore v. United States*, 950 F.2d 656, 659 (10th Cir. 1991).

This report and recommendation does not terminate the referral.

Entered this 23rd day of March, 2005.

A handwritten signature in cursive script, reading "Robert E. Bacharach", written in black ink on a light-colored background.

Robert E. Bacharach

United States Magistrate Judge